



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 11, 2003

Lee Peterson, Watermaster
Water District 37
PO Box P
Shoshone, ID 83352

RECEIVED

FEB 12 2003

Department of Water Resources

RE: Potential Regulation of Water on Seamans Creek

Dear Lee:

On February 4th, 2003, the department met with the waterusers on Seamans Creek and other interested homeowners along Seamans Creek at a general meeting held at the Bellevue City Hall. This letter is intended to document the meeting and inform you of the potential for the watermaster of Water District 37 to regulate the waters of Seamans Creek if need arises.

As you know, over the last year or so, the department has received complaints from waterusers and landowners along the lower reaches of Seamans Creek that indicate that the stream flow has deteriorated. The department attributes this change in flow to:

- Changes in the location of the overflow from the City of Bellevue system
- Drought

As a result some waterusers have not been able to achieve beneficial diversion of water particularly in the subdivision below the E-DA-HO Ranch.

The meeting held last year and the February 4th meeting were called to identify issues, inform waterusers and interested parties of the water right records on file with the department and to explore potential actions to resolve the problem. Recent actions taken and potential actions to be taken to change the flow dynamics in the stream include:

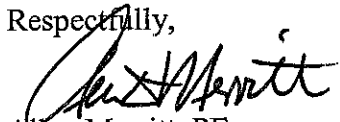
- The city has repaired the overflow valve in their system. This repair should result in the overflow returning to the creek near the city's diversion at the spring on the E-DA-HO Ranch.
- During the February 4th meeting there was a general agreement between some parties and the E-DA-HO Ranch to bypass some creek water around a "loss prone" reach of the creek by routing some water through the E-DA-HO Ranch irrigation system and returning it to the creek near the property line between the ranch and the subdivision below during the non-irrigation season.

Although these actions may be sufficient to return flow in the lower reach of the creek for some of the year, I informed those present at the last meeting that the department's authority does not include assurance of flow in the creek to satisfy those interested parties with riparian interests who do not assert or have a water right. I explained the department's authority extends to delivery of valid water rights. I explained to achieve this end the department's next step would be to instruct the watermaster of District 37 to regulate Seamans Creek. As you know this alternative will require all waterusers on the creek to install adequate measuring devices and control works (Section 42-701 IDAHO CODE) and to pay for the expenses of the watermaster services (Title 42, Chapter 6 of the IDAHO CODE). At the meeting it was left that if the department received another complaint from a wateruser with a valid water right, it would trigger the department to direct the watermaster to begin regulation pursuant to the decrees of record (I believe you have copies). This was done as a last effort to allow the users to resolve their delivery problem and avoid regulation and associated expense.

If regulation is directed please note that the old decrees set forth a rotation scheme among users with common priority. If the department instructs you to regulate Seamans Creek you may need to seek further direction regarding implementing the rotation scheme or addressing a "futile call" scenario if it is found that the stream flow is insufficient to make delivery of the rights in the lower reaches of the creek due to continued drought conditions.

If you have questions, please feel free to contact this office.

Respectfully,



Allen Merritt, PE
Southern Region Manager

CC: Norm Young, Tim Luke – IDWR Water Management
Water Users and interested parties (List attached)